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299:2	287:20	281:15	367:25	374:10
widely	wondered	282:20	378:3	375:7,7
255:18	361:4,5	284:23		386:9,24
wife	wondering	worth	Y	
273:21	386:9	252:2 299:16	Yeah	\$
wiggle	woods	351:25	267:7 323:6	\$1.3
344:23	353:16,25	353:18	330:16	280:1
William	word	357:14	372:19	\$100,000
281:23,24	344:5 379:20	wouldn't	year	398:19
Williamsburg	words	288:24	284:7 304:23	\$15
281:25	284:20	311:19	311:15	333:22,24
window	296:15	313:12	326:9 364:8	\$2



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333:6,6 \$230,000 260:14 303:8 \$49.1 260:20 303:8 \$49.3 259:20 260:2 260:13 262:23	1,181 378:8 10 248:14 265:19,25 277:10 315:4 327:11 335:11 399:22 1001 403:11 11 261:9 262:1 294:7 11th 262:18 1181 372:22 380:22,24 12 261:9 375:6 375:10 12/31/2012 403:10 13 250:9 14 392:14 14th 332:17 140 369:8 15 247:21 251:2 268:5 296:15 322:10 15th 332:18 403:5 1500 325:11 155 371:18,19 159 400:11 16	328:20 349:13 364:25 375:11 384:2 396:21 17 261:5 278:21 278:22 17th 257:6 17,366 372:21 378:6 17-millio... 260:22 18 328:23 1950 302:13 1964 317:12 329:6 1965 255:15 390:3 1972 275:9 283:19 283:22 1976 278:20 1979 259:9 275:13 1990 317:6 1990s 317:17 1994 321:8 1997 365:17 390:13 392:14	374:18 401:9 2,000 394:22 395:6 395:19 2.2 371:10 2.7 314:19 316:2 20 254:15 268:5 302:7 2000 307:21 334:13 360:11 2002 305:17 307:7 321:11 2004 263:4 274:23 275:1,4 282:12 292:25 306:3 315:9 360:12 368:23 369:6 2005 281:14 334:2 360:1 2006 253:16 283:9 283:9 307:7 307:21 364:18 365:14,16 388:8 390:6 391:22,25 2007 266:23 364:11 365:1 367:9 388:10 391:1,23 2008 254:14 255:2 256:1 257:6	257:21,24 259:18 271:10,11 275:5,5 276:24 334:13,17 360:14,16 361:23 362:10 368:8,22 369:7,8,10 371:7 2009 247:10 262:1 262:18 294:7 307:18 2012 247:21 403:6 209 402:3 230,000 260:21 24 369:13 24th 329:14 25 268:23 282:5 289:5 325:9 328:15,16 385:2 253 291:14 254 275:23 28 314:18
0 00019 371:4 0003 373:4 03 403:12 04 263:17,24 282:15,18 283:1 05 396:17 06 263:18 264:1 264:4,6 392:2 396:17 07 392:2 396:18 396:25 08 377:1 09 283:12	1 260:15 267:15,16 272:1 279:5 279:6 368:25 1st 257:24 1,000 291:6	2 247:7 307:13 309:13,17 322:6 367:21	3 266:23 364:11 365:1 367:9 388:10 391:1,23 2008 254:14 255:2 256:1 257:6	3 3rd 248:7 3,000-dollar 276:6 3.9 368:11 372:20 378:3,4



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394:11,19	49.1	289:24	360:16
30	260:14	7.2	80,000
248:18,22,24	49.3-mill...	259:13	368:21
249:1	270:21	7:00	800
402:19		401:2,2,2	298:4,11
30 (f) (1)	5	70	379:12,12
402:15	5	360:13	379:16
30-minute	256:9 390:2	700,000	380:5 384:8
362:16	5,000	368:11	805
308	281:10	71	403:11
372:25 373:1	5.8	360:17	810,000
378:10	368:9	369:10	313:24
3200	50	713) 524-4600	82
276:24	315:5 324:10	403:12	284:8
330579	525	720	
247:1	276:4	399:20	9
35	54	75	9
275:15	260:25 285:5	368:8 377:7	322:10,13
362	303:10	7500	365:2
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40	391:5	328:21	393:21
250:14	600	368:19,19	396:16
394:15	276:23	369:12	98
409	65	8,000	352:7
370:24 371:1	369:12	275:23	98-year-old
371:15	66	8.3	352:1
42	360:13	394:12,20	99
369:11	67	395:4,20	325:11 356:3
45	360:11	8:00	
324:15		270:25 401:2	
397:25	7	8:05	
398:1	7th	273:19 274:3	
399:23,23	248:8	80	
400:1	7-dollar	352:24	



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COMMITTEE MEETING ON ELECTIONS

APRIL 6, 2009

TRANSCRIBED ON APRIL 15, 2012



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1 CHAIRMAN SMITH: At this time the Chair
2 calls Mary Scott, who is speaking on behalf of the
3 Associated -- American Association of Retired Persons of
4 Texas to testify against Senate Bill 362.

5 MS. SCOTT: Thank you, Mr. Chairman, and
6 members of the committee.

7 My name is Mary Scott, and I am the AARP
8 Texas state president and a 44-year resident of Fed for
9 Texas in Tarrant County.

10 AARP is a nonprofit, nonpartisan
11 organization dedicated to addressing the needs and
12 interests of Americans age 50 and older.

13 AARP has 2.4 million members here in Texas,
14 and they vote in high numbers. I've been a volunteer
15 with AARP for many years. I've served on AARP's
16 National Policy Council and the National Board of
17 Directors.

18 I'm also a life-long Texan, and I'm old
19 enough to be a Texan who paid a poll tax for over a
20 decade when I first started voting.

21 I worked with members of my generation to
22 eliminate the poll tax, and we do not want to see
23 barriers erected to prevent people from voting, which
24 would replace those things we fought so hard to get rid
25 of.



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1 Now, you might wonder why is AARP interested
2 in Texas' and other states' election laws. So, I
3 especially appreciate the opportunity to speak with you
4 today about our interest in those laws.

5 AARP views the right to vote as the most
6 basic of rights and encourages steps to engage all
7 eligible voters in the process.

8 In spite of these efforts, voter turnout in
9 Texas remains alarmingly low. In 2006, the last
10 gubernatorial election in Texas, only one in three
11 registered voters cast their vote.

12 In 2008, the last presidential election,
13 only 45 percent of the voting age population in Texas
14 cast their vote.

15 Now, given the low turnout rates in Texas
16 and across the United States, AARP would like to see law
17 makers do more to encourage participation in the whole
18 election process.

19 Older voters vote in disproportionately high
20 numbers. About one half of the voters in the November,
21 2006 and in the recent presidential elections were over
22 the age of 50, and AARP believes fair and simple
23 procedures help to maintain this high level of
24 participation in the Democratic process.

25 AARP does not support procedures that



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1 reflect partisan bias or that permit arbitrary or
2 discriminatory reviews or voter challenges that may
3 discourage turnout by older voters.

4 Of particular concern today are efforts to
5 enact voter ID requirements. AARP believes voter ID
6 laws, as enacted in other states, serve to discourage,
7 rather than encourage, participation of older voters in
8 the election process.

9 These requirements harken back to the days
10 before the Voting Rights Act when many people were
11 disenfranchised and they were barred from voting by
12 formal and informal measures, such as the poll taxes and
13 literacy tests.

14 At first glance, this type of voter ID law
15 that we're talking about may sound simple. It may
16 appear harmless. However, voter ID requirements pose a
17 real barrier for senior voters, who are our most
18 faithful voters.

19 It's not uncommon for birth certificates to
20 be lost and passports to expire. Fire, a move, a
21 hurricane or misplaced documents can all result in the
22 absence of the numerous documents typically required by
23 voter ID laws in other states.

24 With a voter ID requirement in place, the
25 wait time required to replicate the documents could,



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1 even without the cost involved, disenfranchise a voter
2 who has the misfortune to be without a birth certificate
3 or passport shortly before an election.

4 Further, allowing alternate forms of ID does
5 not make voter ID less onerous. Older citizens who are
6 living in a retirement or assisted living facility may
7 not even have an electricity bill or a phone bill in
8 their own names, and even if those documents are readily
9 available, people just don't carry them around in their
10 pockets.

11 But I think stories of real people make
12 cases and principles come alive, so, I want to tell you
13 about Antonio. He's a 50 year old Katrina evacuee who
14 settled in Fort Worth, and his -- I want to tell you
15 about his nearly two-year odyssey to get a Texas state
16 issued photo ID.

17 Antonio had no idea what he was in for when
18 he first went to the closest Texas DPS office to get a
19 Texas state ID card. He and his wife stayed in Fort
20 Worth after being evacuated before Katrina, and Fort
21 Worth is now home to them.

22 His ID ordeal started when he realized that
23 he should obtain a Texas state issued photo ID card just
24 before his Louisiana driver's license expired. Little
25 did he know it would take an intelligent, educated 50



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1 year old employed American citizen and veteran a year
2 and a half and many miles to get that increasingly
3 important state issued photo ID.

4 When Antonio first went to the DPS, he took
5 his still valid Louisiana issued state photo ID card,
6 his original Social Security card and his retired
7 military photo ID card issued by the U.S. government.

8 He waited in the usual lines only to be told
9 he didn't have the proper documentation of his identity.
10 I don't really think he had access to the Internet to
11 read those five pages on the DPS web site that tell you
12 what the requirements are.

13 Surprisingly, neither his Louisiana state
14 issued photo ID nor his Social Security card was
15 considered primary identification, nor are they
16 secondary identification. In Texas, they are mere
17 support for identification.

18 Antonio's retired military photo ID card
19 apparently isn't any kind of identification at all as
20 far as Texas is concerned.

21 So, he was told to go on his way and return
22 when he had proper documentation. Well, it took him
23 time to obtain his birth certificate from Georgia, where
24 he was born, and when he did get it, he walked back to
25 the same office with it, with his Louisiana photo ID,



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1 his original Social Security card and his retired U.S.
2 military photo ID.

3 Once again, he waited in line. The clerk
4 carefully looked over his documents and then decided
5 that the last letter of his first name looked to her
6 like an A and not an O, even though the certificate was
7 describing the birth of a male child.

8 Discussion of all the different forms of ID
9 that he had ensued but in the end, it was clear no
10 amount of reasoning was going to convince the clerk that
11 this was actually his birth certificate.

12 The clerk did suggest that since he was a
13 veteran, he could use his military records. So, getting
14 those military records took time.

15 When that one finally arrived, he walked
16 again back to the same DPS office with the military
17 records, his Louisiana photo ID, his original Social
18 Security card and his retired U.S. military photo ID
19 card and the certified copy of his birth certificate.

20 He thought this time would be it but in the
21 time it took him to get his military papers, the
22 driver's license division had changed their rules.
23 Military papers were not good enough.

24 This time the clerk's best suggestion to
25 Antonio was that he go to court and get his name changed



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1 to Antonia to match the clerk's opinion of the
2 handwriting -- the handwritten name on his birth
3 certificate.

4 So, he was again told to go away and return
5 when he had proper identification. Well, he had finally
6 had enough and he asked to speak to the sergeant in
7 charge.

8 He was told the sergeant was not in that day
9 and again was told to return when he had proper
10 documentation. Well, just then the sergeant walked in
11 the door.

12 A personal appeal from one veteran to
13 another resulted in a phone call, and he finally -- the
14 sergeant called Austin and he finally got a Texas ID.

15 I was struck by how easy it would be for a
16 clerk to turn away someone who had the same
17 circumstances that Antonio did or to turn them away
18 because they didn't think that the race or the gender or
19 the national origin looked good to them.

20 The issues being addressed in this
21 discussion are essentially an effort to strike a balance
22 between preventing election fraud and protecting and
23 maximizing our citizens' right to vote.

24 Where fraud exists, of course, it should be
25 prosecuted and punished but to date there's been little,



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1 if any, evidence of such fraudulent activities.

2 Without that evidence in the Texas election
3 system, there's no justification to jeopardize senior
4 Texans' rights to vote. Implementing new barriers to
5 voting, like voter ID requirements, seem to be a
6 solution in search of a problem.

7 We face some very serious challenges in
8 Texas today. AARP has all of these pages of priority
9 bills. We have a population -- a quarter of our
10 population who lack health insurance. We have mounting
11 job losses.

12 And we would really like to see our
13 legislature use its time in Austin -- its limited time
14 on something that actually is an issue.

15 So, I urge the Texas legislature to address
16 the real issues facing Texas families and to address the
17 real challenges in our election system.

18 The right to vote, along with full and fair
19 representation in the election process, is the most
20 basic of all political rights and it should be
21 protected.

22 Many of those who will be disenfranchised by
23 this legislation are those who most depend on government
24 to protect their rights.

25 So, please help to protect their right to



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1 vote for you and other elected officials who have the
2 power to make such a difference in their lives.

3 Thank you.

4 CHAIRMAN SMITH: Thank you, Ms. Scott.

5 I'm going to be especially nice to this
6 constituent since she's -- I mean this witness since
7 she's mine.

8 We thank you for taking the time to come
9 down here today and share our views with the committee.

10 I want to ask you a few questions. I
11 presume -- and I don't expect you to have done this and
12 I'm presuming that a part of the mechanism by which you
13 determined the official position of the AARP of Texas
14 does not involve polling the 2.4 million members that
15 you have in Texas, is that fair?

16 MS. SCOTT: That's fair. The association
17 does a lot of polling of our members and of the public
18 but I don't think that we've actually done a poll of our
19 membership in Texas.

20 We are kind of like -- we're kind of in the
21 same situation you are. They write to us. We have had
22 responses since the Senate committee of the whole met
23 and all -- practically all those responses have been
24 positive about our presentation and the position we have
25 taken, and I think that's the situation you're often in.



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1 You're going to hear from them if they don't like what
2 you do.

3 CHAIRMAN SMITH: Do you think it's possible
4 that if you were to poll the 2.4 million members in your
5 organization and ask them even the question which is not
6 necessarily at issue today and, that is, do you think
7 that a photo identification should be a requirement in
8 the State of Texas, do you think it's possible that a
9 majority of them would answer that question in the
10 affirmative?

11 MS. SCOTT: I have no way of answering that
12 except to just say that the responses we have had since
13 the Senate action have indicated that we would probably
14 have them taking the same position we do but that's just
15 speculation.

16 CHAIRMAN SMITH: Okay. And the story
17 that -- again, you know, the story that you tell about
18 Antonio and his horrible experience with the Texas
19 bureaucracy is -- is -- is horrible, and I think
20 everybody on the committee here is sympathetic with the
21 situation that any Texan sometimes faces when they are
22 dealing with our bureaucracy in a variety of context
23 but, again, just as with the 98 year old woman and the
24 four star telegram where it is a wonderful illustration
25 of why I might disagree with some of my Republican



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1 colleagues about a hard and fast photo identification
2 requirement, it also embedded in the story indicated
3 that Antonio had a Social Security card despite the fact
4 that he was a hurricane victim and an evacuee, which
5 would be -- you know -- which would be all that was
6 required under this provision or this particular
7 legislation to allow him to vote.

8 And I think that's, again, an important
9 distinction to make between the Indiana law and the law
10 that is before us tonight as proposed by the Senate.

11 Any questions, members?

12 Yes, Representative Brown.

13 REPRESENTATIVE BROWN: Just one comment. I
14 think Antonio's story just points to the fact that we
15 could -- we could pass the most perfect law in the world
16 but those people who are out there implementing, we're
17 dependent on them doing the right thing and, you know,
18 imperfect people make bad decisions sometimes.

19 You know, we have to depend on those people
20 out there to enforce our laws or to implement them, and
21 so, just because of this bad experience, regardless of
22 how bad it was, it doesn't necessarily mean that that's
23 something that we don't want to pursue but thank you for
24 coming.

25 CHAIRMAN SMITH: Representative Dr. Allen.



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1 REPRESENTATIVE DR. ALLEN: Thank you, Mary,
2 for coming today and thank you for being up late with
3 us. I know us AARP members go to bed at 10:00 o'clock.

4 MS. SCOTT: Not these.

5 REPRESENTATIVE DR. ALLEN: And your story of
6 Antonio was a very poignant story. It happens all the
7 time, so, with that in mind, is the training and the
8 notice in the bill sufficient to assure older Texans to
9 be -- to make them aware of the new requirements? Do
10 you think the training that they mentioned in the bill
11 and the notice and I think it goes out on the back of
12 the registration card?

13 MS. SCOTT: I think we would still have
14 problems with that. I'm not satisfied that that would
15 be enough to help people overcome the barriers. We are
16 just opposed to erecting any more barriers to voting.

17 REPRESENTATIVE DR. ALLEN: What do you think
18 would be a barrier for a senior citizen or older citizen
19 to get an ID, other barriers, say, for example, like
20 Antonio?

21 MS. SCOTT: Well, I think you're looking at
22 people who may not have transportation to go and get
23 that first photo ID if they don't have it. They may no
24 longer be driving.

25 I think we're probably looking at a fair



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1 size population who find even -- you know, this still
2 would be expensive for them if they had to get their
3 birth certificate, if they had to pay for that ID,
4 although I know it's a reduced rate when you're over 65,
5 I believe it is, but we still feel that there would be
6 particular barriers for people who are older.

7 REPRESENTATIVE DR. ALLEN: Okay. I'll even
8 go to the Medicare card, which was one of the forms of
9 identification that you can use. Does Texas issue a
10 Medicare card?

11 MS. SCOTT: Well, the Medicare card comes
12 from the U.S. government, just like your Social Security
13 card does.

14 REPRESENTATIVE DR. ALLEN: One of the other
15 things, do all Social Security recipients get their
16 Social Security check in the mail? I don't.

17 MS. SCOTT: No. I -- at one time, I think
18 there -- I'm not sure whether this actually happened.
19 There was a proposal that they could no longer receive
20 them by mail.

21 REPRESENTATIVE DR. ALLEN: Right.

22 MS. SCOTT: But many of us do not get them
23 by mail.

24 REPRESENTATIVE DR. ALLEN: They go straight
25 into their account.



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1 MS. SCOTT: They go straight -- direct
2 deposit and special accounts were set up so those people
3 had access to that much banking.

4 REPRESENTATIVE DR. ALLEN: Do you have
5 knowledge to other states who implemented the photo ID
6 and some of the problems they may be having?

7 MS. SCOTT: Personally, I have not been
8 involved in that but I do know which states AARP has
9 litigation or been active with. We did file a brief in
10 the Indiana case. We -- our litigation unit has served
11 as co-counsel in the Georgia and Arizona cases and filed
12 Amicus briefs in Missouri and Michigan cases.

13 So, AARP's litigation department has been
14 quite involved in those states, and I'm sure that there
15 was advocacy action, too, as those proposals came up in
16 the legislatures.

17 REPRESENTATIVE DR. ALLEN: I heard you
18 mention the -- both persons residing in a nursing
19 home --

20 MS. SCOTT: Uh-huh.

21 REPRESENTATIVE DR. ALLEN: -- may or may not
22 have a utility bill. They do not have a utility bill
23 because their utilities are covered under their rents or
24 whatever they pay, am I right?

25 MS. SCOTT: That's right.



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1 REPRESENTATIVE DR. ALLEN: That's not a --

2 MS. SCOTT: And they may not even have phone
3 service.

4 REPRESENTATIVE DR. ALLEN: That's true.

5 MS. SCOTT: And someone who is perhaps on
6 Medicaid would not have the money to pay for a money.

7 REPRESENTATIVE DR. ALLEN: Absolutely.
8 Absolutely. Because some of those checks are pretty
9 small, aren't they?

10 MS. SCOTT: They are.

11 REPRESENTATIVE DR. ALLEN: They are. Mine
12 is \$62.

13 CHAIRMAN SMITH: Ms. Scott, does every
14 senior citizen -- everyone over 65 receive a Medicare
15 card?

16 MS. SCOTT: You know, I'm not sure. I know
17 you have to apply for it.

18 CHAIRMAN SMITH: Okay.

19 MS. SCOTT: So, if you don't apply, you
20 wouldn't have it. So, I wouldn't know what the
21 percentages are on those --

22 CHAIRMAN SMITH: That do not apply?

23 MS. SCOTT: Who do not apply. It's a very
24 small percentage who do not apply or who do not apply
25 for Social Security.



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1 CHAIRMAN SMITH: Sure. And, you know. I'm
2 trying to imagine -- while I presume there are a number
3 of situations where we can point to individuals who do
4 not have some form of photo identification on the list,
5 I don't know that that really is fair because I think
6 the question is how many do not have any form of
7 identification on the list, and you would agree with me
8 that insofar as we're talking about people in nursing
9 homes, et cetera, who may not get a water bill or an
10 electric bill, you don't -- do you know of any that do
11 not have a Medicare card?

12 (Inaudible.)

13 MS. SCOTT: Unless -- unless the teacher
14 themselves paid into Social Security or their spouse
15 did.

16 (Inaudible.)

17 MS. SCOTT: That's the Social Security.
18 However, they're eligible for the Medicare benefits
19 under the spouse's record.

20 CHAIRMAN SMITH: So, they do get Medicare.
21 Everybody over 65 is entitled to get Medicare --

22 MS. SCOTT: That's right.

23 CHAIRMAN SMITH: -- to the extent that they
24 apply?

25 MS. SCOTT: That's right.



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1 CHAIRMAN SMITH: Is that right? Okay. And
2 that is one of the things you can add in addition to
3 your voter's registration card.

4 (Inaudible.)

5 CHAIRMAN SMITH: Not Social Security.

6 UNIDENTIFIED SPEAKER: But you get Medicare.

7 CHAIRMAN SMITH: Not Social Security.
8 Different than Medicare.

9 MS. SCOTT: Yeah. Now teachers -- in fact,
10 we were doing that before I retired -- pay in to
11 Medicare, which makes them eligible to receive Medicare
12 benefits. It's not just on the spouse record, although
13 many of them are. They pay the Medicare tax, so, they
14 can receive the benefit.

15 CHAIRMAN SMITH: Do you know any senior
16 citizen who does not have any of the documents in
17 addition to the voter registration card listed among the
18 non -- nonphoto identification documents that would be
19 allowed under this law?

20 MS. SCOTT: Personally, I don't. You know,
21 you and I live in a very nice area. Most of my friends
22 are not some of the ones that we're concerned about in
23 other areas. And so, I think I just safely could not
24 say that.

25 I do know some people who are no longer able



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1 to drive and who don't hear well. And so, those people
2 may no longer have what we consider the main photo ID.

3 CHAIRMAN SMITH: And with regard to that
4 category of senior citizens that are past the driving
5 phase, I presume a large number of those people are
6 already voting, to the extent that they do vote, by
7 absent ballot, is that fair?

8 MS. SCOTT: Yes, unless they get someone to
9 take them to the polls.

10 CHAIRMAN SMITH: Right. And you do
11 understand that there's nothing in this law that changes
12 the requirements for absentee ballots?

13 MS. SCOTT: Right.

14 CHAIRMAN SMITH: Do you understand that?

15 MS. SCOTT: I guess I do. I've read the
16 bill but I'm not just familiar with --

17 CHAIRMAN SMITH: I'm representing to you
18 that doesn't change at all.

19 MS. SCOTT: I accept.

20 CHAIRMAN SMITH: Who's next? Representative
21 Anchia? Representative Helfin?

22 REPRESENTATIVE HELFIN: Yes, ma'am. If
23 there was provisions here -- first, let me ask this
24 question: And our population seems to be -- our
25 youngers are getting older and our olders are getting



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1 younger. Most people 65 and younger these days would
2 have some form of identification. Would that be a fair
3 statement?

4 MS. SCOTT: I think that would be true. I
5 think we would still have some cases where the
6 identification might be questioned, like if you have
7 people who have become homeless.

8 REPRESENTATIVE HELFIN: The gentleman you
9 mentioned, some problem?

10 MS. SCOTT: Yeah, some problem like that. I
11 don't have any idea how many of those there are.

12 REPRESENTATIVE HELFIN: So, if there was a
13 provision that exempted people born after 1944, which
14 would be basically 65, would that be a provision that we
15 could work with the older population? And we want to
16 make sure we guaranty their right to vote because my dad
17 fought in World War II, and I think that was very
18 important to him.

19 MS. SCOTT: Well, my concern there would be
20 how would you find out how old they actually are --

21 REPRESENTATIVE HELFIN: That's true.

22 MS. SCOTT: -- without requiring some
23 identification?

24 REPRESENTATIVE HELFIN: Maybe an affidavit
25 or something.



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1 MS. SCOTT: So, it seems to me you still
2 would require some identification or some manner of
3 determining the age if you're going to place it on that
4 basis.

5 REPRESENTATIVE HELFIN: Okay. But that
6 would be a consideration we should probably look at,
7 would you -- would you agree with that statement?

8 MS. SCOTT: Well, I hate to dictate to you
9 what you need to look at.

10 REPRESENTATIVE HELFIN: Agree with. Thank
11 you.

12 CHAIRMAN SMITH: Representative Anchia, did
13 you have questions?

14 REPRESENTATIVE ANCHIA: No.

15 CHAIRMAN SMITH: Any questions from any
16 members?

17 Okay. We're going to let you off easy.

18 MS. SCOTT: Fine. Thank you.

19 CHAIRMAN SMITH: I hope you're not driving
20 back tonight.

21 MS. SCOTT: Not tonight.

22 CHAIRMAN SMITH: Good. You all drive
23 safely.

24 MS. SCOTT: Thank you.

25 CHAIRMAN SMITH: All right. At this time



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1 the Chair calls Gary Bledsoe, who is authorized to speak
2 on behalf of the Texas NAACP, and is testifying against
3 Senate Bill 362.

4 MR. BLEDSOE: Mr. Chairman, how are you?

5 CHAIRMAN SMITH: I'm doing fine. How are
6 you?

7 MR. BLEDSOE: Pretty good. Thank you very
8 much.

9 CHAIRMAN SMITH: Please state your name and
10 who you represent.

11 MR. BLEDSOE: My name is Gary Bledsoe. I
12 represent the NAACP of Texas.

13 CHAIRMAN SMITH: Okay. Thank you. Please
14 proceed.

15 MR. BLEDSOE: Okay. Thank you.

16 I'd like to commend the members of the
17 committee for spending a great deal of time on this
18 issue.

19 I'd like to give a bit of background about
20 the NAACP so you will understand more so what our
21 position is and how we've arrived at our position.

22 You know, we're a nonpartisan organization.
23 We try to get both parties to compete for the African
24 American vote. That's essentially what our mission is.

25 And, you know, back years ago when Steve



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1 Rowlands had introduced a bill that required various
2 requirements regarding absentee ballots, we were very
3 much opposed to that. We gave testimony against that
4 legislation.

5 We knew that it was going to end up being a
6 real nightmare for African Americans and Latinos, and it
7 ended up being just that, and I would put this bill in
8 the same category as we do the Rowlands bill.

9 I think in understanding that dynamic in why
10 we feel the way that we do, we have to look at the
11 history, even the recent history of the African American
12 vote throughout the State of Texas.

13 What we've done, knowing that the Voting
14 Rights Act was going to be up for extension three years
15 ago, we held a number of hearings around the state to
16 identify voting irregularities and issues relating to
17 voter intimidation.

18 And also during each election cycle, we have
19 a statewide election hotline where we have lawyers and
20 law students that man the -- that man or person the line
21 to handle issues that arise around the state.

22 And let me say very clearly, there -- there
23 are enormous problems relating to intimidation of
24 African American voters that continue to happen. I want
25 to describe some of those for you because I think



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1 they're -- they're important.

2 If we look, for example, in -- and we've
3 seen hate crimes in Wharton County where individuals who
4 happen to be Anglo elected officials supporting African
5 American sheriff's candidate had their home burned down
6 simply because they were supporting the African American
7 candidate, and received a number of hate calls.

8 We have a number of instances in various
9 counties where individuals were registered to vote and
10 were not allowed to vote, were not given provisional
11 ballots.

12 We have had a number of instances where
13 individuals were wrongfully purged from rolls. We've
14 had a number of instances where individuals were
15 directed to the wrong polling places so that they would
16 not ultimately be able to vote.

17 We've had a number of instances where
18 individuals -- this past election in Bell County in
19 particular, there were a number of conflicts between
20 individual voters and individuals who were running the
21 actual polling sites.

22 I know that state law changed the way that
23 individuals are selected to run and handle different
24 polling location has been changed and there has been
25 some serious animosity in a number of communities



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1 between those individuals running the polling sites and
2 African American voters, and we are very concerned with
3 all of this information.

4 And there's just -- there's just so much
5 more, you know, with the use of police, the use of
6 mailboxes and putting intimidation mailers in individual
7 mailboxes in Tarrant County, saying if you show up to
8 vote, we're going to have you arrested if there's an
9 outstanding warrant, giving people misinformation about
10 whether a person who has served their time on a felony,
11 whether parole or probation, when they're off time,
12 you're able to vote in Texas, with putting
13 misinformation in mailboxes. It goes on and on.

14 And one of the problems we've had at a
15 number of polling sites is that in minority polling
16 sites, there are too few ballots that are actually
17 given, and so, you find when there are too few ballots
18 and there are not enough polling stations at the polling
19 sites, this causes lines to be very long.

20 And we know that when you have a community
21 of working persons that that community doesn't have
22 indefinite periods of time in which to be there and to
23 vote, and so, therefore, when they're there, if it takes
24 more time, then that's going to be problematic.

25 And one thing that is absolutely clear is



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1 that when you require each person to come up with some
2 kind of identification, that's going to require a lot
3 more time.

4 We're not convinced that there is a problem.
5 You know, when I looked at the -- the Bowl analysis with
6 this legislation, the Bowl analysis said that the
7 problem that we're trying to correct is that with voter
8 registration, there's no requirement for identification,
9 so, this lends itself to a potential problem with actual
10 voting.

11 So, I said, well, if the problem is with
12 voter registration, why not look to fix the problem at
13 that level, like Dr. Allen mentioned earlier with voter
14 registration because once you require this kind of voter
15 identification, you're going to have to have it every
16 single election.

17 And I can just wonder how negative of a --
18 this will impact the African American vote with election
19 officials who don't have their best interest at heart
20 being given the power and authority to make the
21 judgments about whether or not they are entitled to
22 vote, whether it's a difference in just one letter in
23 the name, whether someone is not being able to read your
24 handwriting.

25 And I know one of the things I heard earlier



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1 was about well -- and I guess with Florida, if you check
2 the handwriting and if the handwriting turns out to be
3 okay, then you allow the individual to vote. Well, you
4 know, we don't have individuals who are trained as
5 handwriting -- forensic handwriting analysts. So, we
6 have lay people that are going to make decisions about
7 whether the handwriting is correct. I think that's ripe
8 with potential problems.

9 You know, it reminds me kind of in Venezuela
10 when I went down as an official election observer in
11 those elections, they had these kinds of processes, and
12 I was thinking we shouldn't be moving where they are,
13 they should be moving towards where we are but -- and it
14 was a very intimidating experience to see the kinds of
15 things that they actually did there in their elections.

16 But when we -- when I sat down and I went
17 through the bill to look at what was in the bill that
18 would be problematic, and there's a great deal in the
19 bill that would be problematic.

20 Number one, the wording of the affidavit
21 would be intimidating to many people because you're
22 making some very strong statements because sometimes
23 people are wrongfully purged. Sometimes maybe there's a
24 mistake but the way the affidavit has to be written, you
25 have to state that you are registered to vote there and



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1 you authorize a vote in that election, and in the hands
2 of the wrong kind of district attorney or what have you,
3 that could be a serious problem.

4 Secondly, I think that when we look at the
5 types of identification that are required, especially
6 the alternative identification, really both kinds, I
7 think we find that in terms of the photo IDs that are
8 allowed that will allow someone to vote, those seem to
9 be biased towards members who are conservative voters.

10 The types of identification that many of the
11 people that we're seeking to represent and to say that
12 they should be able to vote and not have additional
13 impediments placed between them and voting, those types
14 of identification are not there. So, it seems as though
15 there is a design in how this is actually written for
16 that to be problematic.

17 I think, too, in looking at the bill, the
18 bill could have -- well, I think -- my time is about to
19 expire here but let me say that very clearly I don't
20 think there's any doubt that this bill will undermine
21 the African American voter.

22 I think if this bill is adopted, I don't
23 know what the future would hold except I can say I feel
24 very clearly that the NAACP would file an objection with
25 the Department of Justice, and I can't say that things



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1 would be different at this Department of Justice but I
2 do know that -- that when the judger law was pre
3 cleared, it went through the Bush Department of Justice
4 and, you know, sadly, all of the Department of Justices
5 that have happened before, whether it was under Reagan,
6 Bush or Clinton or what have you, there seemed to be
7 certain things that were within a safe area that people
8 didn't seem to tread upon, that seemed to say this is
9 what American -- what we expect but I think in the Bush
10 Justice Department, that completely changed and even
11 issues such as the Texas Congressional Restricting Plan
12 that was pre cleared and there really wasn't a basis for
13 that.

14 So, I'm hoping now that the Justice
15 Department will give a lot more objective and thorough
16 look at it. I realize that if this passes and goes up
17 to the Supreme Court, it will probably be a 5/4 vote. I
18 think we probably all understand that but I think that
19 this is clearly distinguishable from the Indiana
20 situation. Texas is a Section 5 state.

21 Thank you.

22 CHAIRMAN SMITH: All right. You know, you
23 mentioned and so many witnesses have mentioned this
24 question about ballot names being misspelled and so
25 forth, so, after he finishes, I'd like to have Ms.



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1 McGeehan come up and I want to ask her some questions
2 about that.

3 I believe Representative Hochberg maybe even
4 filed a bill that you testified on earlier this session,
5 so, if you can recall that testimony, I want to ask
6 questions about that.

7 Okay. Now, I'm starting the clock on your
8 question period, which we'll be glad to extend as
9 necessary.

10 MR. BLEDSOE: Thank you, sir.

11 CHAIRMAN SMITH: The -- when you talk about
12 false information being put in African Americans'
13 mailboxes about when to vote or where to vote or, you
14 know, a fewer numbers of voting apparatus or whatever it
15 was that caused longer lines in certain voting places
16 than other voting places, I mean, it surely --
17 hopefully -- tell me I'm not wrong -- I mean, there's
18 some -- if that's happening, to the extent that there
19 are longer lines where you vote than where -- where
20 Anglos vote in my area, is there not recourse available
21 to you to the extent that this is happening on a regular
22 basis to do something about it?

23 MR. BLEDSOE: The -- there -- there is not
24 adequate resource -- recourse in terms of how things
25 must take place.



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1 For example, if -- if it involves a specific
2 election, you are going to have to show, if the election
3 has already been completed, that the election outcome
4 would have been different if things had been provided
5 for that particular election precinct.

6 I think that in terms of -- if -- if it is
7 ongoing, it's going to require money, it's going to
8 require someone to be able to get a lawyer and go and
9 file a lawsuit and get a judge to extend the time that
10 the polling place is going to be open, requiring an
11 election official to send more ballots over, to give
12 more polling sites.

13 So, that's something that not everyone has
14 the ability to do. That's something that's very
15 difficult and complicated. You've got to have a good
16 judge. You've got to have resources. I think those
17 things clearly would violate the law but, you know, one
18 of the things that you have to prove and many of the
19 laws that are on the books is that these were
20 intentionally decisions by officials and not just a --
21 something that might have been a mistake, and that is a
22 problem as well.

23 CHAIRMAN SMITH: Are you or are you not --
24 I'm not clear really on this. Are you saying that you
25 believe that on average the lines in voting places are



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1 longer in primarily African American voting districts
2 than they are in primarily Anglo voting districts and on
3 average that is generally true and there hasn't been
4 anything that you all have been able to do about it?
5 Are you saying that or not?

6 MR. BLEDSOE: I'm not saying on average but
7 I'm saying that the polling places -- and there have
8 been quite a few where there have been identified
9 problems with -- let's just say long lines or problems
10 with -- with not having enough ballots or enough
11 facilities, those are almost all in minority communities
12 but I haven't done some kind of, you know, analysis of
13 the state to say on the average because that's probably
14 only, you know, 10 percent of the precincts but that's
15 enough of a number to really cause us a great concern.

16 CHAIRMAN SMITH: And my question is whether
17 people in good faith are attempting to provide adequate
18 equipment and that there are a percentage of precincts
19 where for whatever reason there's too few polls and,
20 therefore, longer lines but that that occurs in the same
21 proportion in Anglo districts for the very same reason
22 or -- or are you alleging that on average it happens to
23 African American communities more often than it does in
24 other communities?

25 MR. BLEDSOE: What I'm saying is I think



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1 that it does happen in African American communities much
2 more often than it does in other communities o the
3 extent it does happen in other communities.

4 So, I think there is some design behind it,
5 some intent because, you know, they usually occur when
6 there's a big election and there's a desire to suppress
7 the minority vote, and I wish that were not true but I
8 think it's pretty clear that that's where it happens,
9 when it happens and that's why it happens.

10 CHAIRMAN SMITH: Okay. Representative Dr.
11 Allen.

12 REPRESENTATIVE DR. ALLEN: Thank you, Mr.
13 Bledsoe. Before I ask you a couple of questions here, I
14 just wanted to say yes, it happens in our communities,
15 and I made myself a committee of one. I went to the
16 polling place every day. The first day there were a
17 very insufficient number of voting machines there and at
18 least half of those were not functioning.

19 And so, what I did, maybe something you can
20 do, is I called the election office and I called the TV
21 channel, and it wasn't long before the TV channels were
22 there and it wasn't long before the machines were fixed
23 and they had more machines out there. So, we'll just
24 have to watch it ourselves.

25 MR. BLEDSOE: But, of course, not everyone,



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1 Dr. Allen, has a state representative that has a PhD
2 that lives in their community who is going to be able to
3 do that and has a responsive media.

4 REPRESENTATIVE DR. ALLEN: Okay. You call
5 me, I'll come to yours.

6 UNIDENTIFIED SPEAKER: Nor should they have
7 to.

8 REPRESENTATIVE DR. ALLEN: That's right.

9 Now, you've heard a lot today about voting,
10 and I know you would know this but I really wanted to
11 put this on the table about the Voting Rights Act.
12 You've heard it said that we no longer need that. After
13 hearing all of the information you heard today, the
14 witnesses, what do you say to that? What's your
15 position on that, that we no longer need the Voting
16 Rights Act?

17 MR. BLEDSOE: Well, that's one thing, Dr.
18 Allen, we did when we conducted all those hearings
19 around the state because we knew the Voting Rights Act
20 was going to be up for reauthorization. So, we did
21 extensive hearings at court reporters and had
22 transcripts and we ended up doing executive summaries
23 and all that and we went to DC and we went to visit
24 Senator Hutchison and Senator Cornyn to try to make sure
25 they voted the right way on those issues.



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1 And at one point, Senator Cornyn was
2 actually opposed to the reauthorization of the act
3 and -- and I won't say that it was based on our meeting
4 but after we had met with him, we took about 30 or 40
5 people with us and presented him with the information.
6 He did change his vote and the act passed the next day.

7 So, we were very glad to see that but we
8 did -- from what I've seen from personal experience and
9 from what we've garnered as an organization through our
10 many pinnacles added to the community, we have some
11 serious problems in Texas and people haven't really just
12 acquiesced in the idea that minorities should be able to
13 vote.

14 And we keep saying if you give minorities a
15 chance, you go out and give them something to consider,
16 people will be very fair in how they give out their vote
17 but when you do things that undermine the minority
18 communities' interest, you will antagonize the minority
19 community and -- but we continue to see things that
20 happen like that because I think this bill is widely
21 seen in that same way.

22 If you listen to an African American talk
23 show tomorrow and the bill is discussed, you're going to
24 hear that's the general sentiment in the community.

25 REPRESENTATIVE DR. ALLEN: Absolutely.



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1 Now, you told some very pungent stories
2 about voter suppression and -- but I know you can go a
3 little further back. I really want everyone in this
4 room to know the kinds of things that minorities have
5 gone through just to be able to vote.

6 We didn't even talk about women not being
7 able to vote. Of course, when women got their right to
8 vote, you remember black women were not allowed to vote.

9 And so, I know that all of you heard the
10 famous statement, "Ain't I a woman, too," came from the
11 rights for minority women to vote.

12 The -- when (Inaudible) who walked and
13 protested with the women who could not vote and when
14 they decided that they could go into the continental
15 congress, they said white women can come in but the
16 black women could not come in.

17 So, that's when you hear that famous
18 statement, "Well, ain't I a woman, too? I born nine
19 children," et cetera, et cetera. You know the story and
20 that's the history of that.

21 So, I wanted you to talk about voter
22 suppression. How many beans in a jar? Can you come up
23 with others? I can. I wanted to give you that
24 opportunity.

25 MR. BLEDSOE: Oh, there are a number of



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1 examples of voter suppression that I can give you that
2 have occurred even -- even recently that really are
3 problematic and, you know, the -- the voter suppression
4 that we've seen involves again -- you heard Judge
5 Charleston talk about the Waller County situation.

6 REPRESENTATIVE DR. ALLEN: Yes.

7 MR. BLEDSOE: And that's a perfect example
8 because in Waller County, you have the missing
9 registration applications and also in Waller County,
10 besides the missing registration applications, that
11 General Abbott did, ultimately, it was after the
12 election and it didn't affect the outcome of the
13 election but I think they ultimately were processed and
14 I think it was through the AG's office that they were
15 processed and that's where my comment came from but that
16 was in the context of there being -- there were ballot
17 boxes from Prairie View that were taken in plain view,
18 and some of the students I met with that actually filmed
19 they being pain in plain view illegally by officials
20 that were not official county officials in the middle of
21 the day and no consequence occurring with that, the
22 continued -- you know, the indictment of African
23 American elected accounted officials there, the Grand
24 Jury investigations of other elected officials there,
25 the idea that you cannot vote, the whole idea with their



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1 (inaudible) situation in 1991 wasn't sufficient where
2 this had to -- had to occur.

3 And the NAACP was one of the plaintiffs in
4 the lawsuit to address that situation in Prairie View,
5 and that's -- so, that was clearly done by design.

6 And with -- Chairman Smith asked about it
7 earlier and we talked a little bit more about that
8 situation in Tarrant County because what happened there
9 was there was an African American newspaper that
10 apparently worked something out with a campaign, and the
11 campaign featured this idea about what's going to happen
12 to you if you show up and vote and if you're -- and it
13 gave the misinformation about if you're a felon and it
14 said that if you have an outstanding warrant, you're
15 going to be arrested, and they actually positioned off
16 duty police officers.

17 They mentioned this in the newspaper article
18 that was placed in the mailboxes, and I think it was
19 probably illegal but they actually then went out and
20 hired off duty police in uniform and had them positioned
21 around minority polling places. And so, that was very
22 intimidating when that occurred.

23 REPRESENTATIVE DR. ALLEN: Correct.

24 MR. BLEDSOE: And --

25 UNIDENTIFIED SPEAKER: Has that conducted



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1 been prosecuted?

2 MR. BLEDSOE: Was that actually prosecuted?

3 UNIDENTIFIED SPEAKER: Yes.

4 MR. BLEDSOE: Not to my knowledge, I don't
5 believe it was.

6 UNIDENTIFIED SPEAKER: Do you know the
7 extent to which any of these activities have been
8 prosecuted in the state?

9 MR. BLEDSOE: Well, in the Wharton County
10 situation, that one was kind of ironic because the
11 authorities actually turned it on the African American
12 sheriff's candidate and were actually looking at him
13 and, ultimately, he was not prosecuted but his name was
14 C. G. McElwain, and they actually started looking at him
15 for burning down his own supporter's home and then
16 acting as if he had done a publicity stunt.

17 Well, we had to -- we had to send down a
18 team of individuals on election day to be there and be
19 available. We ended up running out of ballots in the
20 black community that day in Wharton County.

21 UNIDENTIFIED SPEAKER: And if someone were
22 to say to you that those activities that you're
23 describing that are intended to intimidate, et cetera,
24 voters from voting do not occur because they have not
25 been prosecuted, you wouldn't be impressed with that



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1 argument, would you?

2 MR. BLEDSOE: Well, again, I understand the
3 sentiment and the discussion, and these things were --
4 were not prosecuted. You know, I think that we're aware
5 of them because we're personally involved in them.

6 You know, I had people that were extensions
7 of the organization, for example, that were there in
8 Wharton County that were there at the African American
9 polling sites that were reporting to me on an hourly
10 basis while I was at our election central, and so -- and
11 I know them to be credible people, so, I feel pretty
12 solid about the information that came there.

13 And I ended up meeting and visiting
14 Mr. McElwain later, and we assisted him later when the
15 authorities tried to flip the investigation to go after
16 him instead of the people who had actually done this to
17 his supporters.

18 UNIDENTIFIED SPEAKER: So, your --

19 MR. BLEDSOE: So, I actually kind of was a
20 witness in that situation.

21 UNIDENTIFIED SPEAKER: And your conviction
22 about which this crime that is not prosecuted occurred
23 is based on anecdotal information that you received from
24 people that you trust?

25 MR. BLEDSOE: To the extent -- and, again,



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1 some of the information is from me from direct
2 information but -- but yes, I mean, it's not the same as
3 third party information because when you know the person
4 or when you are the one that assigns someone -- it's
5 just like you, if you've got a law office or something
6 and you've got a private investigator, you send the
7 private investigator out to collect facts and you know
8 that person to be a person of integrity, you kind of
9 trust those facts.

10 So, when I send a team of people out, it's
11 usually people that have character and integrity, and
12 when we get the information back, I feel that it's
13 trustworthy information.

14 UNIDENTIFIED SPEAKER: Thank you.

15 REPRESENTATIVE DR. ALLEN: I want to finish
16 my line of questions, please. Thank you for that
17 information.

18 And I want to bring -- bring you up to date
19 to 2008 to the last election but prior to that, before I
20 go with that one, I don't know that you remember that
21 for -- to vote in the State of Texas, at one time you
22 had to be a landowner. Do you know that one?

23 MR. BLEDSOE: That's correct.

24 REPRESENTATIVE DR. ALLEN: Voting was for
25 white males only, that you had to be literate and if you



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1 didn't know how to read -- you were given a literacy
2 test, so, if you could not answer the questions on the
3 test, then you could not vote.

4 MR. BLEDSOE: That's correct.

5 REPRESENTATIVE DR. ALLEN: And then we went
6 through the poll tax phase of it. I think that's where
7 I came in. I remember poll tax and so -- but we've been
8 through all of these suppressions before, and I think --
9 when I see this, I see it as another form of
10 suppression.

11 But you've had heard a lot today about
12 Indiana and Georgia and when the voter ID came in that
13 there was an increase in the number of voters 2 percent,
14 which is not enormous but there was -- all the way up to
15 6 percent I heard tonight.

16 2008, the Obama election year, do you think
17 that voter increase was due to voter ID being
18 implemented or were there other factors involved in --
19 in the voter increasing in minority neighborhoods this
20 time?

21 MR. BLEDSOE: When it comes to analyzing
22 election returns, it's clear you have to throw out 2008
23 because 2008 is truly an aberration for a number of
24 reasons.

25 When you have the first African American



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1 running for president, people who might be otherwise
2 intimidated actually would take that risk and go to the
3 polls. I mean, you had people that were a hundred years
4 old that were going to the polls and some of them went
5 on their own.

6 So, I understood that dynamic, and in
7 Georgia, for example, Georgia had the most incredible
8 get out the vote effort that took place there because
9 there was money, there was activity relating to that
10 election that you had not seen because Georgia,
11 ironically, was one of those covered Section 5
12 jurisdictions that were in play.

13 So, both -- both of the candidates were
14 pushing for that, and so, that was not driven by local
15 elections. That was actually driven by the national
16 election and the enormous amount of money and activity
17 that went into that campaign in Georgia.

18 So, you -- when you look at Indiana,
19 Georgia, any of those, you have to throw out 2008 and
20 you have to look at other years because 2008 is an
21 absolute aberration and, you know, you won't have an
22 Obama on the ballot in 2010.

23 And so, you know, that will be a better
24 barometer or idea of comparing maybe 2010 to 2006 but
25 2008 is -- is truly an anomaly and won't be repeated



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1 until 2012.

2 REPRESENTATIVE DR. ALLEN: Thank you.

3 CHAIRMAN SMITH: Members?

4 Yes, Representative Brown.

5 REPRESENTATIVE BROWN: The description of
6 the event surrounding that election where you said that
7 the off duty police officers were hired to come, how
8 long ago was that?

9 MR. BLEDSOE: That was somewhere around '01,
10 '02, '03.

11 REPRESENTATIVE BROWN: Thank you.

12 MR. BLEDSOE: I'd have to go back and look
13 at the report to see the exact year, somewhere in that
14 year.

15 REPRESENTATIVE BROWN: Within the last ten
16 years?

17 MR. BLEDSOE: All of them were within the
18 last ten years because we hadn't started having the
19 hearings until after 2000.

20 REPRESENTATIVE BROWN: Thank you.

21 CHAIRMAN SMITH: Representative Anchia.

22 REPRESENTATIVE ANCHIA: Thank you.

23 Mr. Bledsoe, thanks for being here.

24 I want to just go over some studies related
25 to the disparate application of photo ID requirements in



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1 photo ID states.

2 You may or may not be familiar with the
3 studies but I'm going to read the studies to you, and I
4 would ask you to just confirm or deny whether you find
5 it surprising, the conclusion of the study.

6 It really relates to -- these are academic
7 studies related to street level enforcement of photo ID
8 and their potential for discrimination.

9 The first study is a Caltex, MIT and Harvard
10 study from 2007 to 2008, 2007 election, 2008 Super
11 Tuesday primary concluded that African American voters
12 were 14 percent more likely to be asked for photo ID
13 than whites, and that was a consistent finding in all
14 states regardless of the photo ID requirements, and
15 Hispanics were 18 percent more likely than whites to be
16 asked for photo IDs. Does that surprise you?

17 MR. BLEDSOE: No, it doesn't. And I might
18 even say we did a racial profiling study in the State of
19 Texas of DPS statistics, and we found out that African
20 American and Latinos were requested to give -- to allow
21 their vehicles to be searched much more likely -- much
22 more likely than Anglos. I think it was like 2 to 1 or
23 3 to 1 was the actual percentage there. And so, I think
24 that that's another example.

25 And that's when you -- you didn't -- the



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1 suspicious circumstances and all seemed to be controlled
2 and the same but the police officers in their subjective
3 nature were asking the minorities to search their
4 vehicles, and they were much less likely to find
5 contraband in the vehicles of the minorities, yet they
6 were much more likely to ask them to be able to search
7 their vehicles.

8 REPRESENTATIVE ANCHIA: So, the conclusions
9 of a Harvard study on the 2006 and 2008 elections might
10 not surprise you where they concluded that in the 2006
11 general election 47 percent of white voters reported
12 being asked to show photo ID at the polls compared with
13 54 percent of Hispanics and 55 percent of African
14 Americans, and in the 2008 Super Tuesday primary states,
15 53 percent of whites were asked to show photo ID
16 compared to 58 percent of Hispanics and a staggering 73
17 percent of African Americans, those findings wouldn't
18 surprise you then?

19 MR. BLEDSOE: No, they wouldn't. And I
20 think that 73 percent suggests that they were clearly
21 concerned that those were voting for a certain
22 candidate.

23 REPRESENTATIVE ANCHIA: And according to the
24 nation's largest nonpartisan exit poll of Asian
25 Americans, nearly 70 percent of Asian voters were asked



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1 for ID at the polls in states where no photo ID was
2 required, and that was also a Caltex study, so, that
3 wouldn't surprise you either?

4 MR. BLEDSOE: No, it wouldn't.

5 REPRESENTATIVE ANCHIA: Okay. Thank you.

6 CHAIRMAN SMITH: Yes, Representative Veasey.

7 REPRESENTATIVE VEASEY: Mr. Bledsoe, I
8 wanted to ask you specifically about your opinion on
9 voter ID laws that are being implemented in specific
10 states, and I know that you do a good job of talking to
11 your colleague at the national office and at the other
12 NAACP branches across the country but one of the things
13 that interests me is that it seems like where the voter
14 ID law is being implemented or attempted to be
15 implemented, it seems as if a there are significant
16 minority populations in those states like I don't see
17 anybody, you know, trying --

18 MR. BLEDSOE: That's true.

19 REPRESENTATIVE VEASEY: -- to implement
20 voter ID laws in Idaho or some place like that. It
21 seems where it's being implemented that it's in heavily
22 minority states. Has that been your experience?

23 MR. BLEDSOE: That's correct. And we're
24 completely opposed to those. We have opposed those in
25 whatever states they have been proposed.



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1 REPRESENTATIVE VEASEY: Why do you think
2 that that -- why do you think the voter ID laws are in
3 those particular states with significant minority
4 populations?

5 MR. BLEDSOE: Well, it's clear what the
6 design of the bill will lead to and, that is, a lower
7 minority vote whether it's because people have not as
8 much time and they're trying to be in line, they have to
9 go back to work and they have to leave but the longer
10 you keep the process going, the more you're going to
11 discourage people.

12 So, we keep looking at how many people went
13 through the process and ultimately were -- were told
14 their vote wouldn't count but I think there's a huge
15 number of individuals who are going to be dissuaded and
16 discouraged because even the issues relating to the
17 affidavit that you have to fill out and people worrying
18 if they're going to be prosecuted for what they put in
19 the affidavit and even the situation relating to getting
20 the free ID card, you know, if you use it once --

21 I think I heard Dr. Allen have an engagement
22 with another member of the committee earlier. I read
23 the bill to say if you actually use it for any other
24 purpose, you've violated the bill and, theoretically,
25 this might mean you're tampering with a government



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1 record or some kind of falsification. So, it would be
2 very intimidating.

3 So, I think that clearly these laws are put
4 there because when you say you have to have an affidavit
5 that you have to execute or you have to be in line
6 longer, this is just going to discourage people who have
7 less flexible time, who are more intimidated by this
8 world that we live in, that's going to discourage them
9 from participating.

10 And so, I think it's going to have a clear
11 result and it's going to be much greater than the
12 number -- the numbers we've heard have just been really
13 small compared to what I think the actual reality would
14 be.

15 REPRESENTATIVE VEASEY: And one of the
16 things, speaking of ID -- and you're familiar with the
17 history of poll taxes and everything that sort of went
18 along with poll taxes until, you know, they weren't
19 being used any more, and I wanted to specifically ask
20 you about the free ID because the way I read the free
21 ID, it says that you can be given a free ID if you're
22 going to use it for voting but, obviously, you would
23 need to present certain documents to get that free ID.

24 If -- if poor individuals, people that don't
25 have money to go and get this ID would have to go and



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1 get the supporting documents that would cost money in
2 order to get this free ID, is that not similar to a
3 modern day poll tax?

4 MR. BLEDSOE: There's no question a lot of
5 cost factors that would be involved. For example, if
6 you go to Presidio County, Presidio County, you have to
7 go to the county seat, and the cities and towns are so
8 far away from the county seat, many of them, where a
9 number of the voters live, and they may not have access
10 to the same transportation.

11 That's another study that we did, the NAACP,
12 a profiling study, we looked at the ownership of
13 automobiles and things of that nature, and we found that
14 minorities are much less likely to have access to
15 automobiles.

16 So, I think that you -- what you'll find is
17 that all those things would be additional costs. Let's
18 say, for example, you have to defend your ballot. Let's
19 say you vote and you have a provisional ballot and you
20 have to go at some point and raise an issue to prove
21 that you were the same person, isn't that going to be
22 some additional cost on that person?

23 What's that going to be for a poor person
24 who has to depend on public transportation? What if you
25 have some kind of free bus service or something that you



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1 normally use and they don't work late in the evenings?
2 You know, they shut down at a certain point in time.
3 So, if you have to go through some process where there's
4 a canvassing session or whatever that takes an extended
5 period of time and we know -- I think we can look at
6 what just happened in the Harris County elections that
7 just took place, and when they went through the
8 canvassing process and all that, how you saw where there
9 were minority candidates on the same plate of other
10 candidates that they did not prevail, and so, those
11 things are potentially ripe with problems.

12 REPRESENTATIVE VEASEY: I wanted -- and I'm
13 done asking Mr. Bledsoe questions but since the topic
14 came up about certain suppression tactics at polling
15 places, in 2002, not 1960 or '50 something but in 2002
16 in Fort Worth, Texas, that was the year Ron Kirk was
17 running for Senate, I was not a state representative at
18 the time but the particular campaign office that I was
19 running, I got a call from a voter and the voter said
20 there is a -- I was on a project and if you're familiar
21 with downtown Fort Worth then you're familiar with the
22 Butler housing project.

23 I got a call from a voter saying: I was
24 going to go vote, it was election day, and there was a
25 roadblock literally set up over the main road leading



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1 out of the project on election day.

2 And so, you know, I mean, a lot of people
3 think that a lot of the things that we're talking about,
4 particularly when we start delving back into history and
5 the history of voter suppression tactics that that
6 doesn't go on any more but as recently as 2002 in Fort
7 Worth -- and, you know, of course, the police department
8 today would say, oh, it was just accident and it wasn't
9 any big deal, as soon as we figured out it was election
10 day, we pulled up the roadblock but if you live in that
11 community and you've heard the stories and you've heard
12 the different things that your relatives and friends and
13 families had to go through and -- and -- or maybe even
14 you had to live through that your yourself, then
15 that's -- that can be painful and that can be a serious
16 experience as far as suppression is concerned.

17 MR. BLEDSOE: I agree, and it does occur in
18 the current day. This is not something that's remote
19 and distance in time, and that's what sad about it.

20 I would think when we look at the bill and
21 the proposal, I would feel better about the intent of a
22 proposal if you were trying to fix the whole problem but
23 we have a lot of people out there that are crying out
24 for justice and fairness.

25 These intimidation tactics continue to occur



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1 and there's no outcry for them. There's no real effort
2 or synergy that's put together some initiative to try to
3 get some relief from them, and whenever we get relief,
4 it has to come from the federal government, and that's
5 better sometimes than other times, and that's what sad
6 about it but if there was a whole -- let's just say some
7 coordinated legislation that sought to address one issue
8 with the same time trying to address other issues as
9 well because a lot of things that occurred were actually
10 crimes and -- but when crimes are committed by persons
11 in official authority or what have you, they seem to not
12 make a difference.

13 CHAIRMAN SMITH: Any other questions?

14 UNIDENTIFIED SPEAKER: Mr. Chairman, can I
15 ask a question?

16 CHAIRMAN SMITH: Certainly.

17 UNIDENTIFIED SPEAKER: Thank you.

18 To elaborate on the questions that
19 Representative Veasey asked you, Mr. Bledsoe, you
20 asked -- you were mentioning earlier about leafletting
21 programs for suppression of voter participation, and
22 Mr. Veasey reached back to ancient history, 2002, but
23 you are aware that as recently as a year and a half ago,
24 there was a voter suppression program in inner city Fort
25 Worth involving City Council candidates. One was an



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1 Anglo candidate, one was Hispanic.

2 And there was a broad leafletting in a
3 (Inaudible) neighborhood giving false information about
4 the election day to the Hispanic voters in inner city
5 Fort Worth. So, it's -- I guess the point is it's very
6 recent and it's very current; is that correct?

7 MR. BLEDSOE: That's correct. That's
8 correct. They continue to this day.

9 UNIDENTIFIED SPEAKER: And maybe you care
10 about voter suppression and maybe you don't, that's
11 correct, some people do and some people don't?

12 MR. BLEDSOE: That's -- that's true. I
13 think in some people, it's a way of doing business, and
14 that's what's sad about it because, obviously, the ones
15 who are most likely to being victimized are black or
16 brown.

17 UNIDENTIFIED SPEAKER: And, in fact, you may
18 have seen the news media coverage on this issue where
19 the chairman talks about the inherent dynamic conflict
20 between voter suppression and voter encouragement.
21 You're familiar with that ongoing conflict.

22 So, really, the issue is where do you come
23 down on the side of the issue? Are you in favor of
24 voter participation or are you in favor of voter
25 suppression?



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1 MR. BLEDSOE: Well, and I would agree simply
2 because I haven't seen the -- you know, I think it takes
3 a lot of bravado for someone to go and vote with someone
4 else's voter ID card. I just don't think that's
5 happening very often. To the extent that it is
6 happening --

7 UNIDENTIFIED SPEAKER: There's almost no
8 evidence of it ever happening in Texas.

9 MR. BLEDSOE: I think there's fail-safes
10 that are in place to address that type of situation.
11 So, I don't think that it is a problem.

12 I think voter intimidation is a much larger
13 problem than voter fraud in the way that part has
14 been -- in terms of the voters -- voter identification
15 requirement that's on the table.

16 UNIDENTIFIED SPEAKER: Any election day, if
17 you chose to spend the day at the Democratic party
18 headquarters, as I have done on several occasions, you
19 could handle a litany of phone calls from people talking
20 about how they have been turned away from the polls for
21 one reason or another, all of which are not valid.

22 MR. BLEDSOE: Yeah, we've had a number of
23 instances where people were turned away when the reasons
24 were not valid. I don't know that I could say that all
25 the time they weren't valid but usually they were not



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1 valid reasons.

2 And they were usually people who were
3 minorities, and this is all about counting votes. And I
4 know that, you know, one of the things we had like in
5 Bell County this last time was a situation where someone
6 clearly was a voter and they were not allowed to vote.

7 And some of our branch members were with
8 this individual, and they showed all kinds of
9 identification and everything, and the person still
10 wasn't allowed to vote.

11 At the same time, there were a number of
12 African American members of the branch who were in the
13 military who had been deployed to Iraq, and they were
14 sent back home, and they were wrongfully purged from the
15 voting -- from the rolls, and so, they were all African
16 Americans and this was happening.

17 UNIDENTIFIED SPEAKER: So, just so you're
18 clear, all the questions I was asking about are relevant
19 to Tarrant County, the home county of the chair bill
20 elections committee, Chairman Smith.

21 MR. BLEDSOE: These are all -- I mean,
22 Tarrant County is the country where they were doing the
23 illegal with the mailboxes and the newspapers and all
24 that. That was all in Tarrant County.

25 UNIDENTIFIED SPEAKER: Thank you.



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1 CHAIRMAN SMITH: Any other questions,
2 members?

3 Representative Helfin.

4 REPRESENTATIVE HELFIN: Mr. Bledsoe, thank
5 you for being here today.

6 We've heard testimony about voter misconduct
7 throughout the evening -- day and evening. We also have
8 an issue of basically -- and I hate to say this because
9 I know 99.9 percent of them are very, very good people,
10 are just trying to do a very good job. We have some
11 poll worker misconduct as well.

12 Would you -- do you see that happening, that
13 some of the election judges are looking harder at one
14 set of records than they are the next, so to speak?

15 MR. BLEDSOE: There's no question that's one
16 of the biggest problems that we have seen is the poll
17 worker misconduct, and when you give poll workers more
18 ammunition to tell someone they cannot vote, that's
19 going to create a real problem.

20 And the real risk, I think, of this bill and
21 the way that it's designed and the power that it gives
22 to poll workers, it actually makes them become more of
23 an arm of the campaign, okay, because I think when you
24 empower them with this, we look at the situation that
25 occurred in Florida -- excuse me -- in Ohio in 2004 and



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1 the idea with the -- with the persons that could be at
2 the polling sites that could actually challenge
3 elections.

4 When you empower people to -- to tell people
5 no and to hold up lines and these people are selected
6 that -- in a process that doesn't indicate that they are
7 really reflective of the views of the people in that
8 community and they're running a polling site, that's
9 going to present a real impediment to them actually
10 obtaining justice.

11 So, I think that -- the idea of how this
12 empowers individuals who -- who are election officials
13 is just -- is just unreasonable because it gives them
14 too much power, especially in light of what we've seen
15 and the actual interplay that we see that's very much
16 conflict oriented between African Americans and
17 individuals that run polling sites in many areas around
18 the state.

19 We've seen this whether it's Texarkana, Fort
20 Bend County, Harris County, you know, Wharton. We've
21 seen this in innumerable counties around the state, and
22 it's not limited geographically.

23 REPRESENTATIVE HELFIN: Now, this -- even in
24 this very committee, we heard a bill earlier this year,
25 which I think is good, that in the event someone ends up



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1 filling out their voter registration card makes
2 fraudulent statements, that it be bumped up from a
3 misdemeanor to a felony grade offense, and then also we
4 heard from Florida on mail in ballots, inappropriate
5 action on the mail in ballot was also moved up to a
6 felony grade offense.

7 And I say this very, very cautiously because
8 I know it is so difficult to find people to work these
9 elections and, as I said, I know 99.9 percent of them
10 are good people, how do we police that and how do we
11 punish that?

12 Because that's a crime. That's suppressing
13 our right to vote. I don't care who it is, whatever
14 color, whatever, but what -- what's your view on that?

15 MR. BLEDSOE: Well, I think that's the only
16 way to really discourage it but I think that when
17 usually individuals are doing this, they are acting on
18 behalf of a higher authority, just to be very honest
19 about it.

20 When you're acting on behalf of a higher
21 authority, usually there's some insulation that's
22 provided to you.

23 I think that -- and so, therefore, what you
24 really have to do is somehow be able to make selections
25 of people who run polling places that go outside of the



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1 political domain and take some of the politics out.

2 It's kind of like some of the ideas of these
3 nonpartisan redistricting commissions that are being set
4 up like they just adopted out in California, I mean, you
5 need to have some kind of process like that where
6 individuals who don't have a stake in the game, so to
7 speak, can run the polling places and then have all the
8 proper training because when you give subjectivity to
9 individuals that have a stake in the outcome, that are
10 associated with people that are running, I think you run
11 the real risk of having problems arise in those areas.

12 So, I think that's -- that's one of the
13 things that could be done there is take the politics out
14 by getting a different group of people to run the
15 elections.

16 REPRESENTATIVE HELFIN: And you know as well
17 as I that it is very, very hard to legislate that people
18 do the right thing or husbands be good fathers or that
19 kind of stuff.

20 So, that would be a difficult issue but, you
21 know, maybe we need to look at the criminal punishment
22 for that side and maybe make it a larger increase and
23 have officers supervising -- trained officers
24 supervising. I don't know how we correct that but it's
25 certainly an interesting dilemma that we face, the fair



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1 people that we put in charge to make sure we have open
2 voting are the ones suppressing the issue.

3 MR. BLEDSOE: And I would agree, although I
4 would say I think that the law does cover that situation
5 but it's just not being utilized.

6 I think when you violate a law relating to
7 your office, that's official misconduct under 39.01 of
8 the Penal Code. I think that's very clear. It may not
9 be a felony but it's a Class A misdemeanor that you can
10 be removed from office for engaging in that activity.
11 So, I do think there is a law that would apply, official
12 suppression.

13 REPRESENTATIVE HELFIN: Now, another thing
14 we've talked about during the day is provisional
15 ballots, and there's one state that gives you two days
16 to correct and they were correcting like a third of
17 them, and the other state you had, I think, seven days
18 and they were correcting like two-thirds or
19 three-fourths.

20 So -- and the bill before us today has a
21 provisional ballot language but it's not real clear. Do
22 you think if we went to a provisional ballot system that
23 we gave them 10 days because you have 10 days here
24 before you have to canvas the votes, would that be
25 beneficial to make sure that -- that when they -- when



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1 you vote a provisional ballot, that they have to
2 identify whether it's provisional ballot, special ballot
3 because they don't have ID or for whatever -- ballot
4 because they don't have -- their signatures don't match
5 or whatever, would that help us in any way or would that
6 confuse the issue, trying to train these election
7 personnel even more?

8 MR. BLEDSOE: What I would propose in a
9 situation like that to make it fair to the individual
10 because some individuals -- most of the ones we're
11 talking about here probably don't have great means,
12 whereas, what you would do is you would create a
13 presumption that -- that the ballot is valid, and then
14 have the authorities screen those that have been
15 objected to and then they come up with a list of those
16 that are problematic at that point, and then they would
17 see to it that they could come up with some kind of
18 convenient set of circumstances in which they could help
19 resolve that issue, so that if you're poor or you don't
20 have transportation, you live 60 miles from the county
21 seat in Presidio County and you just can't afford to go
22 to the county seat again and that's where the issue has
23 got to believe resolved, to try to come up with some
24 fair process to handle that but have that be screened
25 and put the onus on the government rather than on the



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1 individual because --

2 I mean, let's be honest and think about it.
3 We're talking about individuals who may not have the
4 most education in the world and some things that may
5 occur logically to some people may not occur logically
6 to others. They may be just as righteous as they could
7 be. Their ballot may have been totally legitimate but
8 they may not how to defend that ballot and they don't
9 have money to go get a lawyer to put forth their case
10 and the campaigns are, I guess, kind of not going to be
11 involved in that process.

12 So, you know, it puts them in between a rock
13 and a hard place. And you can understand if I'm there
14 trying to defend my ballot and I've got a third grade
15 education and English is my second language, that's not
16 going to be the easiest thing in the world.

17 So, you really need to flip that and go
18 through a whole process where they limit the number of
19 individuals who have to go through that process.

20 REPRESENTATIVE HELFIN: I like the way you
21 think these things out, Mr. Bledsoe, and I hope that
22 whatever we work on this committee, I certainly would
23 appreciate being able to call you.

24 MR. BLEDSOE: Any time.

25 REPRESENTATIVE HELFIN: Thank you.



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1 CHAIRMAN SMITH: Did you have a question?

2 Representative Bonnen.

3 REPRESENTATIVE BONNEN: Thank you, Mr.

4 Bledsoe. I think you've been respectful and very
5 thoughtful in your testimony. I appreciate your doing
6 this.

7 MR. BLEDSOE: Thank you.

8 REPRESENTATIVE BONNEN: I wanted to follow
9 up on Judge Helfin's question on the, for lack of a
10 better way to put it, flipping the burden to the
11 government on the provisional ballot because one of the
12 things -- you don't have to agree with this but it's
13 probably fair to suspect that in those provisional
14 ballots, say in the case of Georgia where they had two
15 days and I think it was about 800 that didn't return,
16 that some of them may not have returned because they
17 weren't valid to be voting. I'm not saying 1 or 5. I
18 don't know.

19 MR. BLEDSOE: It's possible.

20 REPRESENTATIVE BONNEN: Possible. So, if
21 you flip the onus to the government, which I would say
22 probably isn't a terrible idea, I mean, I haven't
23 thought it through but there's some logic to that, would
24 we then want the government to pursue those that they
25 find that shouldn't have voted? Do you follow where



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1 I'm --

2 MR. BLEDSOE: If there's criminal intent.
3 If it's an honest and innocent mistake -- so, I would
4 always want to segregate those. If you find someone in
5 either party involved with some orchestrated campaign to
6 commit a fraud, that's a criminal act.

7 REPRESENTATIVE BONNEN: Right, and I agree
8 with that. I guess my concern would be -- and I'm not
9 arguing against having the onus on the government, I
10 think that makes sense, but I just want us to think
11 through this -- this -- the place we would be putting
12 ourselves at that point. I mean, it would be somewhat
13 of a dangerous spot.

14 I could be wrong because, as you say, it's
15 what that intent was. Did this man, woman or whomever
16 come down here with an intent to inappropriately cast a
17 ballot they weren't supposed to or didn't have the right
18 to or whatever, you know, if the government has now
19 uncovered that maybe they shouldn't have been there,
20 then there's some degree of responsibility the
21 government may have at that point when it may not have
22 been -- you know, do you know what I'm saying, where I'm
23 going is I'm wondering if we put the government in a
24 position, if there would be a way to avoid the
25 government putting a lot of effort into investigating



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1 voters that don't need to be investigated. Does that
2 make sense?

3 MR. BLEDSOE: I think it does but I think
4 that starts out with the election officials because they
5 are the ones that are going to be doing the screening,
6 and hopefully they would only have individuals who they
7 have good reason to believe presented a problem.

8 I think that -- I would think that if
9 someone was engaged in a situation where they were not
10 legitimately voting that those would be the ones -- if
11 there was an investigation, those would be the ones
12 where there would be a path that would lead to them and
13 say, well, these are the ones where there's a problem
14 instead of the ones where there's a different middle
15 name or sometimes it's just common sense and common
16 sense --

17 REPRESENTATIVE BONNEN: I agree.

18 MR. BLEDSOE: -- is not applied and it's --

19 REPRESENTATIVE BONNEN: I think some of the
20 time, too, though, they will fall into a gray area that
21 says I don't think this individual was really a part of
22 any criminal intent but without some further steps, I
23 can't prove that up but, anyway, enough on that. I
24 think that's a valid thought.

25 One of the things I was going to ask is on



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1 voter intimidation, which should never occur and is very
2 bothersome and I will tell you I personally don't know
3 of it but I would be ignorant to suggest it doesn't or
4 hasn't or -- doesn't occur, so, I want to be respectful
5 of that.

6 But, in that regard, the election workers,
7 as I understand it, are selected or -- they're not
8 really selected, it's anyone willing largely,
9 unfortunately, but it's -- it is based through, as you
10 were discussing, the party system.

11 So, wouldn't there be -- shouldn't there be
12 a natural balance that would occur at the polls? Why
13 would -- I mean, how would there be -- why would there
14 not be a balance there to call out a voter suppression
15 or intimidation scenario?

16 MR. BLEDSOE: Well, I think that frequently
17 what we find is, of course, that the officials at the
18 polling site are involved in the voter intimidation, and
19 so, that would be a problem if they're part of the
20 process.

21 REPRESENTATIVE BONNEN: Not to interrupt you
22 there but I guess that's my point, though, isn't there a
23 balance in who the voters -- I mean, the poll workers,
24 isn't there a balance between party and who those
25 individuals end up being?



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1 MR. BLEDSOE: Well, I think that like, for
2 example, with the early voting sites and things, to the
3 victors go the spoils is what the current law is in
4 Texas. So, you do have individuals when you go to a
5 polling site that may be of a different party or what
6 have you, and that does create a true dynamic that's --
7 that's problematic, and I understand that.

8 That's -- maybe in some ways that's been our
9 culture in Texas but it can, you know, lead to -- lead
10 to problems.

11 REPRESENTATIVE BONNEN: Certainly.

12 MR. BLEDSOE: And it really does lead to
13 problems, and I know if you're paying somebody \$7 an
14 hour or what have you, they're not going to be
15 necessarily -- unless they're retired and just really
16 don't need the money and are doing it for a good reason,
17 they may not be the most qualified person to -- to
18 actually act in that situation.

19 You need people that exercise good common
20 sense. You need people that have the patience of Job
21 sometimes because of some of the things that actually
22 occur, and you don't always find that with the workers.

23 I don't mean to indict. I've been an
24 election worker myself, a \$7 an hour election worker
25 before. So, I don't mean to condemn election workers



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1 but there's a problem with how the system is set up.

2 REPRESENTATIVE BONNEN: Well, yeah, and I
3 think we would greatly served, not only this committee
4 but this body as a whole, the legislature -- I think one
5 of the bigger issues, regardless of voter ID or anything
6 else, is the fact that we pay \$7 an hour for someone to
7 come in and understand a very complex process and deal
8 with people who --

9 I mean, I can remember one of the first
10 races I ever ran in a suburban community in Pearland, I
11 mean, people just -- I mean, literally almost running
12 people over, not intentionally, to get parked and get in
13 line to vote, and they're fired up and they want to get
14 in there and they want to make sure they're on time and
15 yet I've got a \$7 person in there helping make all that
16 work and, frankly, a \$7 person who wasn't paid \$7 five
17 days earlier to be trained for probably a lot more time
18 than they ever were.

19 But, anyhow, I think that's a greater issue
20 that we would be better off working on, and I also would
21 like us to, on these issues of voter suppression and
22 intimidation -- I mean, I have not reviewed all the
23 bills before this committee but, I mean, do we have any
24 bills before this committee that address those issues?
25 We do? I mean, we need to look at those. We need to --



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1 voter suppression bill info.

2 CHAIRMAN SMITH: Just for the record, we're
3 20 minutes over the allotted time. Just take that into
4 consideration, Representative Helfin.

5 REPRESENTATIVE HELFIN: And I'll also notice
6 as Representative Bonnen, for someone to have their vote
7 invalidated because of one election judge I think is an
8 injustice. Shouldn't we not have a provision if your
9 vote is not going to -- someone is going to determine
10 your vote doesn't count or provisional, the election
11 judge for that precinct sign off on that as well? If we
12 have two minds at least --

13 REPRESENTATIVE BONNEN: There should be a
14 balance --

15 REPRESENTATIVE HELFIN: A balance, yeah.

16 REPRESENTATIVE BONNEN: -- in that worker,
17 and it would resolve some of the issues, and not that we
18 should ever do away with a poll watcher or anything.
19 That's a very good right and a very good tool when used
20 but, I mean, to have that balance is significant because
21 I think you raise a fair point.

22 I mean, I think it's a serious
23 responsibility for someone to say I'm going to turn away
24 this individual from their opportunity to vote today,
25 especially considering we have the tool, which I think



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1 is very important and -- provisional ballot -- and we
2 have had a lot of talk about provisional ballots but the
3 reality is the provision ballots are used in close
4 elections. I mean, we don't count those ballots unless
5 it's of an impact, of a necessity, I guess you would
6 say.

7 But that could also come down to this issue
8 of better trained, better experienced, more competent
9 poll workers.

10 REPRESENTATIVE HELFIN: And then one other
11 quick --

12 REPRESENTATIVE BONNEN: I'm through but
13 thank you very much. Appreciate your thoughtfulness.

14 REPRESENTATIVE HELFIN: I agree that if
15 they're provisional ballots, they should be marked
16 special provisional ballots in some manner.

17 If it proves later to be there was some
18 fraudulent intent, I believe they ought to be
19 prosecuted, quite frankly.

20 MR. BLEDSOE: I think if we look at like,
21 for example, Minnesota today and the election contest,
22 you can just see normally there will be close elections
23 that take place.

24 We know we had one in Dallas involving state
25 representative this time. So, every vote counts and 5



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1 or 10 votes can make a difference in the outcome. So, I
2 think we have to be aware of that.

3 UNIDENTIFIED SPEAKER: Let me just say that
4 there's been some discussion about the burden on being
5 with the state or with the voter and the difference
6 between those two, and I think we've heard the testimony
7 tonight that gives us some good general idea of the
8 impact of that in that effectively Georgia and Indiana
9 put that burden on the voter. In those instances, about
10 a third of the provisional ballots are counting,
11 whereas, Florida puts the burden on the state, a
12 majority of the ballot board, and we have these boards
13 already in place in the State of Texas. It does not
14 require the creation of any new organization. The only
15 way it wouldn't count is if the voter doesn't do what
16 they want to do within 10 days and this ballot board by
17 a majority vote determines that the signature is not
18 likely to be the same person as the person who signed
19 the voter registration card.

20 And certainly it's not perfect, and I think
21 everybody understands there's no pure scientific way to
22 draw that line either but it certainly is dramatic in
23 terms of the difference of the percentages in terms of
24 which votes are counting and which votes are not
25 counting.



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1 So, I realize that those people who are
2 opposed to the concept we are discussing today would
3 just as soon we all go away but to the extent that the
4 legislation is going to be considered, I think everybody
5 would also agree that opting for that mechanism rather
6 than the alternative is far preferable.

7 REPRESENTATIVE BONNEN: I had a comment. I
8 mean, I ended up getting here by winning the right to be
9 in a run off by 9 votes, and I think that when we get
10 into the discussion of elections -- and I'm not going to
11 get into this but, I mean, city elections, we had -- the
12 City of Clute had a council position seat literally tie,
13 so, they had a run off.

14 But my point of raising that -- and I know
15 everyone here is well aware of this but, you know, we
16 get caught up in talking about a presidential race,
17 maybe a gubernatorial race but the reality is we have so
18 many local positions of significant importance that are
19 in extraordinarily tight contested races that all this
20 has a tremendous impact on.

21 I mean, as I tell people, I've been here now
22 12 years, for good or for bad, however you feel about
23 that, I respect it, but the point is when those 9 votes
24 made that difference, it made a 12-year decision is the
25 reality. So, I think the significance is well beyond



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1 these large national races, not that they're not
2 important, as we've learned.

3 I'm done, Mr. Chairman.

4 CHAIRMAN SMITH: Any other questions,
5 members?

6 MR. BLEDSOE: Thank you all.

7 CHAIRMAN SMITH: Thank you very much.

8 UNIDENTIFIED SPEAKER: Mr. Chairman, can I
9 just quickly read something really fast? I know that --

10 CHAIRMAN SMITH: Is it really fast? Do that
11 while the Secretary of State's office is coming up.

12 UNIDENTIFIED SPEAKER: Okay. Great. Great.

13 I know that John Fund was here earlier from
14 the WALL STREET JOURNAL, and I've seen Mr. Fund lots of
15 times on Fox and Michelle Malkin, you know, some of the
16 various shows.

17 He's very entertaining but some of the
18 things that he was saying about voter fraud have just
19 proved just to be not true, and I wanted to point that
20 out.

21 In particular, there was an allegation that
22 he made about voter fraud in South Car -- I'm sorry, not
23 in South Carolina but in South Dakota involving
24 incumbent Senator Tim Johnson, who narrowly defeated
25 Republican challenger for a U.S. Senate seat.



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1 And the charges that he made and that he put
2 in his book, the South Dakota Republican attorney --
3 attorney general called the charges just outright false,
4 and there are just numerous as relates to the
5 shenanigans that went on in 2000, Bush v. Gore, and
6 various other elections that he talks about in his book,
7 and a lot of it is just not true.

8 And, you know, it almost seems like
9 Mr. Fund, like some of the other folks that seem, you
10 know, bent on, you know, making sure that this voter ID
11 bill becomes law, that they just -- they're kind of on
12 the tunnel vision course.

13 And so, when he came to testify, he got out
14 of here before we could delve into that but there's a
15 lot of things that Mr. Fund has put in his book have
16 been refuted by fellow Republicans. So --

17 CHAIRMAN SMITH: Okay.

18 REPRESENTATIVE DR. ALLEN: Mr. Chairman,
19 would you please look with me at the bill on Page 8 and
20 on -- Page 8, line 11 at -- which starts: Except as
21 provided by Section D, which is the next paragraph down,
22 fee for a personal identification certificate is \$15 for
23 a person under 60 years of age, \$5 for a person 60 and
24 older, and \$20 for a person subject to the registration
25 requirements under Chapter 2, whichever that is, on the



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1 criminal code procedure.

2 Now, does that mean that if I need ID and
3 I'm under 60 years of age that I need to pay \$15 for
4 that?

5 UNIDENTIFIED SPEAKER: Not if you state that
6 you're obtaining the personal identification certificate
7 for the sole person of voting --

8 REPRESENTATIVE DR. ALLEN: Okay. Now, if I
9 go down --

10 UNIDENTIFIED SPEAKER: -- under this bill.

11 REPRESENTATIVE DR. ALLEN: Yes -- down to D
12 again, the department may not collect a fee for a
13 personal identification certificate issued to a person
14 who states that the person is obtaining the personal
15 identification certificate for the sole purpose. There
16 we go again. If I use this for something else I may be
17 liable --

18 UNIDENTIFIED SPEAKER: I think we need to
19 clarify that.

20 REPRESENTATIVE DR. ALLEN: -- to a felony or
21 something. I just wanted to point that out that it was
22 in there.

23 So, why is that information in here about
24 the amount that a person pays under 60? Why is it
25 there? We don't need to flesh it out. You know, we



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1 could tell them how much bread costs.

2 UNIDENTIFIED SPEAKER: That's the current
3 law. That's how much it currently costs to get --

4 REPRESENTATIVE DR. ALLEN: Why do we have to
5 put it in the bill?

6 UNIDENTIFIED SPEAKER: Well, because they're
7 trying to -- to reduce the fiscal note, I believe, but
8 by not providing a free ID.

9 REPRESENTATIVE DR. ALLEN: We wouldn't have
10 to even mention the cost of it if it's not going to cost
11 anything.

12 CHAIRMAN SMITH: Well, it's only not going
13 to cost you something if you're getting it for purposes
14 of voting. Now, we can get rid of the word sole and
15 clarify. That doesn't mean you can't use it for other
16 purposes after you use it for voting but if the reason
17 you're getting it is so that you can vote, it's free.

18 REPRESENTATIVE DR. ALLEN: Okay.

19 CHAIRMAN SMITH: We all want that.

20 REPRESENTATIVE DR. ALLEN: Do we need to
21 advertise how much the -- the identification costs?
22 Because it may go up. Next year we may come and we may
23 raise the cost of that ID.

24 CHAIRMAN SMITH: Well, it's going to only be
25 free if you're getting for the purpose of voting.



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1 REPRESENTATIVE DR. ALLEN: Why do we have to
2 put this in here, the cost?

3 CHAIRMAN SMITH: Because it's prior law.

4 Yes, would you -- the Secretary of State
5 wish to address that?

6 MR. SEPEHRI: Sure, I'll give it a try. I'm
7 John Sepehri, General Counsel for the Secretary of
8 State's office. Ann McGeehan, director of the elections
9 division is here with me.

10 We're both here to --

11 (Inaudible)

12 MR. SEPEHRI: Sure. We're both here to --

13 They want you, Ann. They don't want me.

14 We're both here to answer questions on
15 behalf of the Secretary of State's office.

16 Go ahead, Ann.

17 MS. MCGEEHAN: I think he just meant he
18 wanted me to introduce myself.

19 MR. SEPEHRI: Sorry.

20 MS. MCGEEHAN: Ann McGeehan with the
21 division of the Secretary of State.

22 MR. SEPEHRI: I felt unloved there for a
23 second.

24 CHAIRMAN SMITH: I don't want to hear
25 another word from her. All you now.



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1 MR. SEPEHRI: Great. We could be in trouble
2 then. No.

3 I think the answer is -- and I think what
4 Representative Smith is trying to say and I don't know
5 that we have any extra expertise on this but I'll take a
6 stab at it.

7 I think all this is trying to do is just
8 amend the existing transportation code, which sets forth
9 the fees. And so, it's just -- we're not -- I don't
10 think this is an attempt to advertise the fees. It's
11 just existing law, and it's just saying except for the
12 purpose of voting, these are the fees.

13 CHAIRMAN SMITH: There's other reasons why
14 they personal identifications, and those reasons,
15 there's no reason to give it to them for free.

16 UNIDENTIFIED SPEAKER: That's right.

17 CHAIRMAN SMITH: There's no constitutional
18 right for these other purposes.

19 REPRESENTATIVE DR. ALLEN: Why didn't they
20 put in there the cost of driver's license and the other
21 things that are listed on this form that cost, that have
22 a fee attached to it?

23 UNIDENTIFIED SPEAKER: Because they're not
24 going to give them away.

25 REPRESENTATIVE DR. ALLEN: I know but my



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1 understanding is if it's listed in the bill, that's what
2 I'm going to pay. Looks like taxing to me.

3 CHAIRMAN SMITH: No. That's current law.
4 That's what they currently charge for that.

5 REPRESENTATIVE DR. ALLEN: Well, we can
6 change the law. That's our purpose of being here every
7 other year.

8 CHAIRMAN SMITH: We don't want to provide
9 free identification for the purposes -- people may be
10 identifications for the private sector for whatever
11 reason, as a part of their employment and there's no
12 reason for taxpayers --

13 REPRESENTATIVE DR. ALLEN: This is not about
14 employment. This bill is about voting.

15 CHAIRMAN SMITH: Right. And that's why
16 Section D provides for a free ID so long as their using
17 it for voting.

18 REPRESENTATIVE DR. ALLEN: A also tells you
19 how much it costs.

20 CHAIRMAN SMITH: Except as provided by
21 Subsection D, and D is the part that relates to voting.
22 It costs --

23 REPRESENTATIVE DR. ALLEN: The cost of the
24 personal identification certificate is --

25 CHAIRMAN SMITH: Right, except as provided



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1 by D.

2 REPRESENTATIVE DR. ALLEN: I see that. I
3 just don't know why it has to be in the bill, the cost
4 of it.

5 You know, how much does a marriage license
6 cost? That costs. It's not listed in there. How much
7 does a divorce paper cost? That's not listed in there.
8 Do you know what I'm talking about? How much -- how
9 much is a gun license bill, you know, a permit to carry
10 guns? I don't carry guns but -- you know what I'm
11 saying? Do you understand what I'm saying?

12 UNIDENTIFIED SPEAKER: I hear you. I hear
13 you.

14 REPRESENTATIVE DR. ALLEN: All right.

15 UNIDENTIFIED SPEAKER: Mr. Chairman?

16 CHAIRMAN SMITH: Yes.

17 UNIDENTIFIED SPEAKER: Just a quick
18 question. I know that we still have two expert
19 witnesses to go.

20 CHAIRMAN SMITH: Right.

21 UNIDENTIFIED SPEAKER: Are we going to hear
22 from the Secretary of State and then go to those
23 witnesses?

24 CHAIRMAN SMITH: That's my intent.

25 UNIDENTIFIED SPEAKER: How long do we want



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1 to stay on the -- I know that our friends from Harris
2 County and our other is from North Carolina --

3 CHAIRMAN SMITH: Yeah, we should have these
4 experts.

5 I wanted to ask you a quick of questions --

6 UNIDENTIFIED SPEAKER: I get it.

7 CHAIRMAN SMITH: -- about this -- I just
8 would like to get at this issue of confusion regarding
9 the names because it's been repeated again and again and
10 again in the testimony, and I think it would be helpful
11 for us to have an understanding of how that is currently
12 treated, how many people do not get to vote because
13 there's a typo in their name or a junior is missing or
14 other issues of that type, how is that handled?

15 MR. SEPEHRI: Sure. Why don't I sort of
16 give you a little introduction, and I think Ann can give
17 you some good specifics on that.

18 But this issue has been brought to our
19 attention before, and the process is that when people
20 apply for a voter registration, there's an application.
21 They have to put their driver's license number on it.
22 If they don't have that, they represent they don't have
23 that, they put their SSN, the last four digits on it,
24 and when it comes to us, we take those -- that data and
25 we match it against team or we go to the Social Security



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1 Administration and we try to do a match there.

2 So, you sometimes run into problems if there
3 are spaces in between parts of a last name or various
4 things like that, and so, those sorts of problems have
5 been brought to our attention before. In fact,
6 Representative Hochberg has worked with our office
7 repeatedly and I believe -- and, again, I'm going to
8 have Ann here give you more specifics but we've actually
9 taken a large number of steps to try and cut down the
10 instances where there are mismatches, if you will, due
11 to some small error, or not even an error but just a
12 clerical type thing, and we have succeeded, I believe,
13 in considerably cutting a number of those down.

14 I'll let Ann explain that process to you
15 some more.

16 MS. MCGEEHAN: Okay. The -- I think what
17 may be confusing, though, since there's two different
18 processes in place, what Representative Hochberg's bill
19 gets at is verifying a voter registration application.
20 And so, there there's more leeway because you have a
21 bunch of different matching criteria, date of birth,
22 Social Security number, TDL number.

23 I think the question that's come up here
24 tonight is if you -- as Dr. Allen represented, if a
25 voter came in and came in with a birth certificate under



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1 their maiden name, now they're married and so, you know,
2 their other ID may have their -- or they may be on the
3 list under their married name, what would that poll
4 worker do.

5 And I think the way that Senate Bill 362 is
6 written currently is that's really going to be a fact
7 question for the poll worker to determine.

8 In that situation, if the voter comes in
9 with a birth certificate, they're going to have to come
10 in with another government issued nonphoto ID, and then
11 the poll worker would have to look at those documents
12 and say, well, yeah, we really think this is Dr. Alma
13 Allen, or they may not be able to make that
14 determination.

15 CHAIRMAN SMITH: And is that different than
16 the way it is done under current law in terms of
17 providing nonphoto identification? And how -- and
18 whether they interpret that in some manner to determine
19 whether that is you or whether there's just a
20 presentment test, as Representative Anchia indicated?

21 MS. MCGEEHAN: Under current law, I think
22 the assumption is that a voter whose name changed will
23 update their voter registration, and they can do that by
24 filing a new voter registration application.

25 As a practical matter, it may not come up as



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